IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 15456 of 1994

Between:

1 Ch. Satyam S/o Appala Swamy
Tribal Welfare Ashram School, Y.S. Valasa, Vizianagaram District.
2 A. Someswara Rao S/O Satyam
Tribal Welfare Ashram School, K.D. Colony,
Vizianagaram District.
3 T. Chandra Sekhara Rao S/o. late Gumpa Swamy
Tribal Welfare Ashram School, Jarada
Vizianagaram District.
4 K. Simhadri S/o Gunnayya
Tribal Welfare Ashram School, Nerellavalasa
Vizianagaram District.
5 K. Suryanarayana S/o. Adivinaidu
Tribal Welfare Ashram School, Tonam
Vizianagaram District.
6 M. Chandra Sekhar S/o Someswara Rao
Tribal Welfare Ashram School, Saraivalasa
Vizianagaram District.
7 Y. Nageswara Rao S/o Koteswara Rao
Tribal Welfare Ashram School, Vobbangi
Vizianagaram District.

.....PETITIONER(S)

AND

1 Project Officer, Integrated Tribal Development Agency (ITDA), Parvatipuram, Vizianagaram Dist.
2 Director of Tribal Welfare, Telugu Sankshema Bhavan, Masabtank, Hyderabad.
3 District Tribal Welfare Officer, Parvatipuram, Viziangaram

District.
4 M. Sundara Rao Tribal Welfare Ashram Upper Primary School, Y.S. Valasa Vizianagaram District.
5 M. Jogeswara Rao Tribal Welfare Ashram Upper Primary School, K.D. Colony Vizianagaram District.
6 M. Rama Rao Tribal Welfare Ashram Upper Primary School, Jarada Vizianagaram District.
7 B. Prakasa Rao Tribal Welfare Ashram Upper Primary School, Nerellavalasa Vizianagaram District.

8 A. Sundara Rao
Tribal Welfare Ashram Upper Primary School, Thonam
Vizianagaram District.
9 L.J. Sanyasi R 9 dismissed for default as per court order dt. 6/1/03 Tribal Welfare Ashram Upper Primary School, Saraivalasa Vizianagaram District.
10 P. Appa Rao Tribal Welfare Ashram Upper Primary School, Vabbangi Vizianagaram District.

The petition was dismissed for default against R9 as per Court order dated 6-1-2003.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly in the nature of Writ of Mandamus, declaring the order of the 1st respondent in Rc.No.108/94/A2, dated 1-8-1994 as arbitrary, discriminatory, malafide and contrary to the spirit of the Govt. Order in G.O.Rt.No.408, Social Welfare (E) Department, dated 20-6-1991 consequently set-aside the order, dated 1-8-1994, and grant such other relief

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondents Nos.4 to 8 and 10:None appeared

The Court made the following :

ORDER

In this Writ Petition, the petitioners by way of Writ of Mandamus seeks to assail the orders passed by the 1st respondent in Rc.No.108/94/A2, dated
1-8-1994.

It is the case of the petitioners that they are working as Wardens, Ashram Schools under the control of the 1st respondent. It is their further case that pursuant to the G.O.Rt.No.13, Social Welfare Department, dated 11-1-1991, two additional posts of teachers were sanctioned for each of the 256 schools during 1990-91, and also for conversion of one of these two teachers in each school as warden. Accordingly 28 warden posts were sanctioned to Srikakulam district . The petitioners, who have put in long service as Secondary Grade Teachers pursuant to the letter of the District Tribal Welfare Officer, Parvathipuram expressed their willingness to be converted as

Wardens, and accordingly they were appointed as such. It is their case that the Government has also ratified the action of the District Tribal Welfare Officer.

It is the grievance of the petitioner that the 1st respondent Project Officer, Integrated Tribal Development Agency, Parvathipuram without issuing any notice or opportunity issued the impugned order, dated 1-8-1994 causing irreparable loss to them as their seniority was maintained separately and the said order was issued only to accomdate the respondents 4 to 10. Hence the Writ Petition.

No counter affidavit was filed on behalf of the Government.

Heard the counsel for both the parties and perused the material available on record.

It is clear from the record, that the third respondent District Tribal Welfare Officer, Parvathipuram issued a memo in Rc.No.100/1-A2 dated 21-2-1991 calling for the option to work as full time wardens in the time scale of Rs.1010-35-1360-40-1800 without affecting their seniority. Accordingly, the petitioners expressed their willingness to be converted as full time Wardens and they were issued appointment orders vide Rc.No.100/91/A2 dated 27-2-1991 and the petitioners have been working as such. Contrary to G.O.Rt.No.408, Social Welfare Department, dated

20-6-1991, the 1st respondent issued the impugned order, converting them as Teachers In the circumstances since the impugned order was passed by the 1st respondent without issuing any prior notice or giving any opportunity to the petitioners to put forth their case on that ground itself, the impugned order is unsustainable and is liable to be set aside. Accordingly, the order under challenge is set aside. The first respondent is at liberty to proceed in the matter afresh after considering the objections of the petitioner if any, and to pass appropriate order as per law.

With the above directions, the Writ Petition is disposed of. No

order as to costs.

23-09-2004.

Hsd

Assistant Registrar

// true copy//

Section officer

To

1 Project Officer, Integrated Tribal Development Agency (ITDA), Parvatipuram, Vizianagaram Dist.
2 Director of Tribal Welfare, Telugu Sankshema Bhavan, Masabtank, Hyderabad.
3 District Tribal Welfare Officer, Parvatipuram, Viziangaram District.
4. 2 CCS for G.P. for Social Welfare, High Court Buildings, Hyderabad (out)

5. 2 C.D.copies.